

## REMARKS

Applicant has carefully reviewed the arguments presented in the Office Action and respectfully requests reconsideration of the claims in view of the remarks presented below. Claims 1-23 and 26-36 are pending in this application. Claims 2-15, 17 and 34 are withdrawn from consideration. Applicant wishes to gratefully acknowledge the Examiner's reconsideration of claims 35-36 and inclusion in the elected Group II. Claims 1, 18, 35, and 36 are currently amended. Claim 16 has been canceled without prejudice.

Given the amendment to the specification regarding reference numeral 106 as discussed above in response to the Examiner's objection to the drawings, Applicant believes that no drawing correction is necessary and that this objection should be removed.

### Rejections under 35 U.S.C. § 102

The Examiner has rejected claim 35 as being anticipated by U.S. Patent No. 6,632,042 to Liener Chin et al. Applicant has amended claim 35 to clarify that the indicia associated with the pockets are unique for each pocket. Applicant has further amended claim 35 to remove a recitation of an intended use and to clarify the structure of the table of contents as a linking medium between the material descriptors, positional identifier, unique indicia, and collectible materials providing a searching aid so that a user may flip to the desired page wherein a sought for collectible material is stored without having to search the entire display album.

It is well settled that a claim is anticipated when the same device or method, having all of the elements and limitations contained in the claims, is described in a single prior art reference. *ATD Corp. v. Lydall Inc.* 48 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1998). An anticipating reference must describe the patented subject matter with sufficient clarity and detail to establish that the subject matter existed in the prior art and that such existence would be recognized by persons of ordinary skill in the field of the invention.

*See In re Spada*, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990). With respect to amended claim 35, the Liener Chin patent is lacking in these regards.

The Liener Chin patent describes a looseleaf pocket protector 304 for placement in a three ring binder notebook 724 (FIG. 19) or 830 (FIG. 21) with a set of titles 368 positioned in blank blocks 340 to give the appearance of a table of contents as in the prior art illustrated in FIG. 1 of the Liener Chin patent. Each pocket protector 304 includes transparent front and back sheets 308, 312 joined to form a pocket having an opening 316 preferably along the top, and ring binder holes 320 along the left edge.

As shown in FIG. 21, the Liener Chin organizing system includes a three ring binder 830 with a tabbed pocket apparatus 750 with pre-printed indicia and title sheet 790 inserted therein followed by a number of document sheets 812 followed by another tabbed pocket apparatus 800 in front of more untabbed transparent pocket dividers 820. Thus, it is clear that the tabbed pocket apparatus identify the contents within the transparent pocket dividers positioned immediately behind the corresponding tabbed pocket apparatus as a group and not on a one to one basis for each pocket. In other words, materials are grouped together and assigned a common index tab.

In direct contrast, amended claim 35 requires both unique indicia and unique positional identifiers. By unique, it is meant that each pocket has a unique indicia and each collectible material is assigned a unique positional identifier. However, it is preferable if each unique indicia has a matching unique positional identifier. For example, the pockets may be sequentially numbered and the first pocket will be assigned unique indicia numeral one while the collectible material to be stored in pocket numeral one will also bear the numeral one. Other matching systems may be used as long as each pocket bears a unique indicia and each collectible bears a unique indicia. There is a one to one correlation between each descriptor, its respective indicia, and the corresponding positional identifier. This reduces the overall search time that may be necessary if a large number of collectibles are indexed. A user of the present invention could flip directly to

the selected collectible material using the table of contents recited in amended claim 35 whereas a user of the Liener Chin indexing system would first have to review a table of contents to determine a general group index of interest on the tabbed sheet protector and then be forced to flip through each of the transparent pocket dividers in that group until the desired contents are found.

The system of Liener Chin is focused on providing a personalized table of contents that may be easily replaced and is protected in use. This is completely different than providing a time saving organizing method for storing material with unique pocket locations and facilitating the removal and replacement of the collectible materials.

Given the foregoing differences between the Liener Chin printed sheet protector system and the method of organizing as set forth in claim 35, Applicant submits that the Liener Chin patent does not teach the organizing method as set forth in amended claim 35 and thus this rejection should be removed.

Rejections under 35 U.S.C. § 103

Claim 1:

The Examiner has rejected claim 1 as unpatentable over the Liener Chin patent in view of U.S. Patent No. 5,136,562 to Staar and further in view of U.S. Patent No. 6,265,043 to Vinyard. Applicant submits that these three references, even if combined, do not render the present invention as recited in amended claim 1 obvious and that this rejection should be removed.

Claim 1 is directed to a method of organizing a substantial number of compact discs stored in a compact disc changer. Applicant has amended claim 1 to clarify the unique relationship between the slot identifier wherein the compact discs are remotely stored and a unique correlation to the location of a corresponding liner note within the display album. Claim 1 has also been amended to remove a recitation of use and

affirmatively recite a procedural step of locating a compact disc changer slot having a compact disc associated with a liner note in a unique pocket of the display album.

In making his rejection, the Examiner states that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Liener Chin method of organizing to include a compact disc as a display item having a title and a liner with printed indicia as taught by Vinyard for the purposes of displaying a labeled compact disc. However, the Examiner also readily admits that the Liener Chin patent does not disclose the step of selecting a plurality of compact discs, each disc having a title and a liner, wherein the compact discs are to be organized in the slots of a compact disc changer placed in the respective slots. Moreover, the Liener Chin patent, makes no reference to organizing compact discs or entertainment recordings and does not describe a binder as a location reference system for such items stored in a remote location, such as a compact disc (CD) changer.

The Examiner further admits that such modification of Liener Chin by Vinyard does not disclose an organizer wherein the compact discs are to be organized in the slots of a compact disc changer placed in the respective slots. But then the Examiner contends it would have been obvious to modify a Liener Chin organizer as taught by Vinyard and further modify the organizer as taught by Staar which discloses a plurality of compact discs organized and placed in the slots of a compact disc changer wherein the slots have a slot identifier.

Applicant submits that the Examiner is forced to rely on the teaching of three discrete patents to support his rejection of the method of claim 1 and that such combination is unsupported. For example, Applicant submits that there is no suggestion in Liener Chin to use the organizer taught therein with other than photographs, clippings, drawings, artwork, cover sheets for reports, or printed or handwritten materials the size of a regular piece of paper (8.5 x 11 inches). According to column 3, lines 57-58, the insert

is preferably the same size as the sheet of paper. There is also no suggestion in the relatively short specification in Vinyard to use the erasable disc label system in an organizing system at all, and particularly wherein a significant number of discs is to be categorized by location, particularly a remote location such as a CD changer.

Similarly, the Staar patent does not disclose or suggest equating the location of liner notes within a display apparatus such as a binder with the location of corresponding compact discs within the CD changer. Instead, the Staar device incorporates a magazine 20 with a plurality of compartments 23 for storing compact discs 1 in parallel planes accessible to the changer itself. Identifying labels including numbers for identifying the discs stored in the magazine can be attached to the top surface of the magazine. The discs in the magazine are transferred to a carriage 50 when a number is selected via a keypad. This is not an organization system between a display album and remotely stored compact discs.

“Determination of obviousness cannot be based on the hindsight combination of components selectively culled from the prior art to fit the parameters of the patented invention.” *ATD Corp. v. Lydall, Inc.*, 159 F.3d 534, 546, 48 USPQ2d 1321, 1329 (Fed. Cir. 1998). There must be a teaching or suggestion within the prior art, within the nature of the problem to be solved, or within the general knowledge of a person of ordinary skill in the field of the invention, to look to particular sources, to select particular elements, and to combine them as combined by the inventor. *See Ruiz v. A.B. Chance Co.*, 234 F.3d 654, 665, 57 USPQ2d 1161, 1167 (Fed. Cir. 2000); *ATD Corp.*, 159 F.3d at 546, 48 USPQ2d at 1329.

In viewing the Examiner's references, it is clear that a motivation to combine the references does not come from the references themselves. In addition, one of the problems solved by the present invention is correlating the location of a number of compact discs or other entertainment disc recordings in a disc player having slots to house the discs to the locations of corresponding liner notes associated with a particular

compact disc and stored in a display album or binder. In direct contrast, the Liener Chin patent teaches organizing the contents within a binder with no concerns as to the location of remotely stored, but related items.

The present invention creates a visually pleasing display album with the liner notes arranged in a fashion to please the user and at the same time takes advantage that the liner notes can be stored at a location in the binder corresponding to an index location of the compact discs stored in the remote CD changer where the discs may be played. A user may then flip to the desired liner note and, upon viewing the associated indicia on the pocket storing the liner note, may go directly to the slot of the compact disc changer wherein the compact disc associated with the liner is stored. Without such linking, the user would have to first locate a desired liner note, indicating that he or she has a matching compact disc, and then conduct an unguided search by searching through each of the disc slots until a matching compact disc were found. This may require a considerable effort on the part of the user if a large number of discs are used in a compact disc changer (typically 400 to 500 discs or more). The advantages of the present invention are readily apparent as a time saver.

In Vinyard the labels are placed on the disc themselves. While in Staar, the discs are stored in a magazine that can be accessed when a particular disc is selected for play in a changing apparatus. By combining the discs of Vinyard with the Staar magazine, one would only have a magazine housing labeled discs. The labels of the Vinyard would not be visible when in the magazine and thus useless for indexing and organizational purposes when being stored or being played.

The Examiner is also in error when he equates reference numeral 28 in Vinyard to a liner note of the present invention at page 5 of the Office Action. Reference numeral 28 in Vinyard is merely referred to as indicia at column 3, lines 61 and 65. This is completely unlike a liner note (typically in booklet form) that accompanies and entertainment recording such as a CD or DVD.

In addition, the Liener Chin et al. patent does not disclose an organizing system wherein the subcontents (those between the tabbed pocket protectors) are individually and uniquely identified. More specifically, Applicant takes issue with the Examiner's statement that the pocket indicia (presumably the tabs) of the Liener Chin patent are capable of disclosing indicia matching slot identifiers at page 6 of the Office Action. Liener Chin does not teach the use of an individual tab per item stored in its binder and instead the tabs refers to groups of items having common content or type such as photographs. Individual items are not uniquely indexed. Using the Liener Chin organizing system, a tab would indicate a group of compact discs stored between dividers. To locate a particular compact disc, the user would still have to peruse an entire section until the desired CD was found. In addition, Liener Chin does not disclose an organizing system wherein the stored contents, such as the photographs, correspond to the location of a related material stored remotely.

In addition, placing a Vinyard compact disc with a title into the organizer described in the Liener Chin patent would defeat the primary purpose of the present invention which is to provide an indexing system equating a particular liner note to a location of the CD outside the display album and in a remote CD changer.

The Examiner also argues that it would be obvious to modify Liener Chin's organizing method and Vinyard's method of organizing compact discs as display items which can be stored and identified in a disc changer as taught by Staar for the purpose of providing compact discs which can be placed in a CD changer. Such a statement has an inherent conflict as the discs cannot both be in the organizer and the compact disc changer. The present invention substitutes the liner notes for the compact discs stored elsewhere (in the CD changer) in the display album and links the liner notes to a table of contents having unique titles. Each unique title is associated with a unique pocket location in the display album which receives a liner note. In turn the unique pocket location corresponds to the location of the compact disc in the CD changer. By

reviewing the liner note and the unique pocket location identifier and then looking for a matching unique slot identifier, the desired compact disc may be rapidly located.

On a related note, Applicant submits that the claimed printed matter is functionally related to the substrate in that the indicia correlates a location of the compact disc within the compact disc changer to location of the liner note within the binder. Without the indicia, the user would have to peruse each viewing window until the desired liner note was found and then experiment with the CD changer by selecting individual compact discs within the slots to find the corresponding compact disc to be played.

Given the foregoing, Applicant submits that claim 1 is patentable over the Liener Chin, Vinyard, and Staar patents and that Applicant has provided a significant contribution to the organizational arts. This rejection should be removed.

Claim 16:

Claim 16 has been rejected as unpatentable over the Liener Chin et al. patent. Claim 16 has been canceled without prejudice and this rejection is now moot.

Claims 18-31 and 33:

Claims 18-31 and 33 have been rejected as unpatentable over the Liener Chin et al patent in view of U.S. Patent No. 3,645,637 to Gustafson and further in view of U.S. Patent No. 5,692,607 to Brosmith et al. Applicant has amended claim 18 to clarify some of the structural recitations and clarify the placement of the liner notes in the pockets that correlate to the position of slot identifiers of a compact disc changer wherein the compact discs corresponding to the liner notes are stored.

As an initial matter, in reviewing the Examiner's arguments, Applicant is unable to locate reference numeral 820A of the Liener Chin patent, contended to be a perforated hinge section by the Examiner at page 8 of the Office Action. Applicant submits that the



Examiner has mischaracterized the Liener Chin patent as having looseleaf sheets with a perforated hinge section.

Applicant is also unable to locate reference 830E described by the Examiner as a plurality of detachable post members. As the Liener Chin patent only describes a three ring binder, Applicant contends that the post members recited in claim 18 are not described in Liener Chin.

Claim 18 is directed to a display apparatus. Gustafson does not disclose an elongated spine member with an upper flange folded to form an upper rearwardly facing retention recess and a lower flange folded to form a lower rearwardly facing retention recess. The Examiner also omits that Gustafson does not disclose first and second flexible hooks inserted into the respective retention recesses from an external spine side direction. Moreover, Gustafson also does not disclose a display apparatus wherein the first cover member includes a plurality of display sleeves openable at one end and having an outwardly facing transparent viewing surface as in the present invention recited in claim 18 (see FIG. 1 of the present application). This feature allows a user to place his or her favorite liner notes on the cover of the display album. Gustafson does not describe or suggest this feature.

In addition, the protective sleeves in Brosmith include rail engaging recesses 24, 26 enabling the sleeve to be removed from spaced apart rails. This is in direct contrast to the perforated hinge section of the present invention which anchors the looseleaf page to the binder posts and cannot be removed unless the posts are separated.

Even combining the removable protective single pocket sleeve of Brosmith with the Gustafson binder and the tabbed protector organizer system of Liener Chin, the result would not anticipate or render obvious the present invention as claimed in claim 18.

Moreover, as with claim 1, the Examiner's reliance on the Liener Chin patent as a primary reference fails to support an obviousness rejection as the Liener Chin protective

sleeve system provides tabbed protectors that identify materials in groups and does not include unique pocket indicia correlating to a unique slot identifier wherein the compact disc are remotely stored as in the present invention claimed in claim 18.

Given the foregoing, Applicant submits that the display apparatus recited in claim 18 provides an improvement in the organizational arts and is patentable over the Examiner's references that, even if combined, would not result in the claimed invention as the linking between compact disc location, pocket indicia, liner notes would still be missing in addition to a number of other structural differences discussed above with respect to the album structure in view of the Gustafson patent and the loose leaf page construction in light of the Brosmith patent. This rejection concerning claim 18 should be removed.

Claims 19-23, 26-31, and 33 are all directly dependent on claim 18 which is believed to be in condition for allowance. Thus, dependent claims 19-26, 26-31, and 33 are also believed to be in condition for allowance. Claims 24-25 were previously canceled and thus any rejection as to those claims is moot.

Claim 32:

Claim 32 has been rejected as unpatentable over the Liener Chin et al. patent as modified by the Gustafson and Brosmith et al. patents and further in view of U.S. Patent No. 5,501,540 to Ho. Claim 32 is also directly dependent on claim 18 which is believed to be in condition for allowance and Applicant incorporates those arguments set forth above in support of the patentability of claim 18 herein. Applicant submits that dependent claim 32 is also in condition for allowance and this rejection should be removed.

In addition to those arguments supporting the allowability of claim 32's base claim 18, Applicant submits that the Examiner has mischaracterized the teachings of the Ho patent. The Examiner contends that the Ho patent discloses a pocket 34 and a liner note

341 stored in the pocket. However, a review of the Ho specification reveals the reference numeral 341 refers to a label identifying a computer disc that may be inserted into slot 344. This is completely different than a liner note (often containing song titles, lyrics, song times, and artwork in a booklet form) of the present invention. Thus, the Ho patent, in conjunction with the other three patents, does not support an obviousness rejection of claim 32.

Claim 36:

The Examiner rejected claim 36 over the Liener Chin et al. patent in view of the Vinyard et al. patent and further in view of U.S. Patent No. 6,135,662 to Bakke et al. Claim 36 is directly dependent on claim 35 which is believed to be in allowable condition for the reasons stated above. Claim 36 has been amended to clarify that the respective indicia are unique, that is, with respect to other indicia. Thus, claim 36 is also believed to be in condition for allowance and Applicant submits this rejection should be removed.

Applicant also understands the Examiner's reference to the Ho patent on page 13 is actually the Bakke patent and the label 104 in FIG. 7 therein. In addition to those reasons supporting the patentability of base claim 35 advanced above, Applicant submits that none of the patents alone or in combination suggest the method of placing a first set of stickers on the pockets wherein the collectible materials are stored and placing a second set of stickers corresponding with the first set of stickers on the collectible materials themselves providing for rapid replacement of the collectible materials in a large volume display album. While the Vinyard patent discloses the use of a re-writable title sticker on a compact disc, the label 104 above a lesson plan card storage pocket 48 in the Bakke patent is merely disclosed as being used for breaking down the time intervals. Such time interval breakdowns offer no description of the contents stored in the lesson plan card storage pocket 48. Bakke does not disclose a lesson plan card with a unique identifier matching the label 104 above the pocket. There is also no discussion in either the Bakke or Vinyard patents concerning the facilitation of the removal and replacement of

collectible materials in a large volume binder and such patents address a completely different problem. Applicant submits that claim 36 is patentable over the cited references and this rejection should be removed.

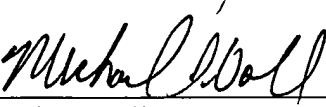
Conclusion

In light of this amendment, Applicant respectfully requests reconsideration of the application, the claims of which are believed to be in condition for allowance. Applicant respectfully requests an early notification of allowance. The Examiner is invited to contact the undersigned should any questions arise.

Applicant submits herewith a petition for a one month extension of time along with the corresponding fee. If any additional fee is required, authorization to charge Account No. 21-0800 is granted; likewise, any overcharge may be credited to the same account.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:   
Michael S. Doll  
Registration No. 44,092

200 Oceangate, Suite 1550  
Long Beach, CA 90802  
Telephone: (562) 432-0453  
Facsimile: (562) 435-6014  
Customer No. 27629